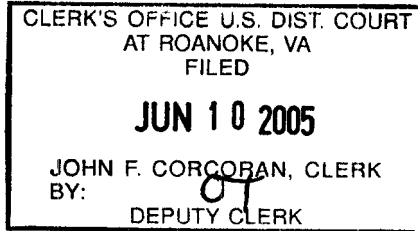


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



JAMES A. CHARLTON,
Plaintiff,

v.

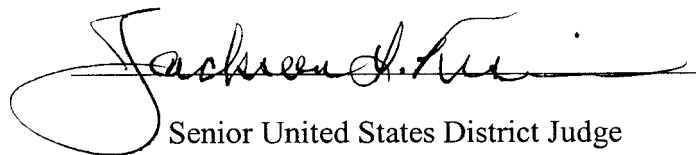
GEORGE M. MCMILLAN,
Defendants.

)
) Civil Action No. 7:05-CV- 00353
)
) FINAL ORDER
)
) By: Hon. Jackson L. Kiser
) Senior United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby **ADJUDGED** and **ORDERED** that this action shall be and hereby is **FILED** and **DISMISSED** without prejudice, pursuant to 28 U.S.C. § 1915A(b)(1); and this case will be **STRICKEN** from the active docket of the court. Additionally, plaintiff is hereby notified that this dismissal constitutes a second "strike" under 28 U.S.C. §1915(g).

The Clerk of the Court is directed to send certified copies of this Order and accompanying Memorandum Opinion to the plaintiff and counsel of record for the defendants, if known.

ENTER: This _____ day of June, 2005.


Senior United States District Judge